

PATENT

Attorney Docket No.: 33950/US (formerly 8484-013-999)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KERN *et al.*

Serial No. 08/637,752

Filed: July 20, 2001

For: ADENO-ASSOCIATED VIRUS – ITS
DIAGNOSTIC USE WITH EARLY
ABORTION

Examiner: M. Mosher

Art Group No.: 1648

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Date of Deposit: October 28, 2004

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR §1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is filed in Response to the Notice of Abandonment mailed July 28, 2004 (copy attached). The notice indicates that “This application is abandoned in view of: applicants’ failure to timely file a proper response to the Office letter mailed on 28 November 2003.”

In response, petitioner submits that the entire delay in filing the Response to the noted Office Action from the due date for the filing of a Response to Office Action until the filing of a grantable petition under 37 CFR 1.37(b)(3) was unintentional.

The proposed response is attached hereto and includes a Request for Continued Examination pursuant to 37 CFR 1.114 and requisite fee.

Submitted herewith is the requisite petition fee under 37 CFR 1.17(m), \$685.00, for a small entity. The Commissioner is authorized to charge the amount of \$1,080.00, which includes the Request for Continued Examination fee to Deposit Account No. 50-2319

SF-1149232_1

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(Docket No. 33950/US (473299-00011)). While petitioners do not believe that any additional fee is due, the Commissioner is authorized to charge any additional fee(s) required, or credit any overpayment(s) to Deposit Account 50-2319 (Docket No. 33950/US (473299-00011)).

Respectfully submitted,

Dated: October 28, 2004

DORSEY & WHITNEY, LLP

By:



David C. Foster, Reg. No 44,685

Filed under 37 C.F.R. § 1.34(a)

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